

STANDARD APPLICATION
Harford County
Board of Appeals
 Bel Air, Maryland 21014

FEB 20 2004

Case No. 5404
 Date Filed 2-19-04
 Hearing Date _____
 Receipt _____
 Fee \$ 400⁰⁰

Shaded Areas for Office Use Only

Type of Application	Nature of Request and Section(s) of Code
<input type="checkbox"/> Administrative Decision/Interpretation <input checked="" type="checkbox"/> Special Exception <input type="checkbox"/> Use Variance <input type="checkbox"/> Change/Extension of Non-Conforming Use <input type="checkbox"/> Minor Area Variance <input type="checkbox"/> Area Variance <input type="checkbox"/> Variance from Requirements of the Code <input type="checkbox"/> Zoning Map/Drafting Correction <input type="checkbox"/> _____	CASE 5404 MAP 41 TYPE Special Exception ELECTION DISTRICT 3 LOCATION 811 Rock Spring Road, Bel Air, Md. 21014 BY (OWNER: Robin Chesney Hopkins) Contract Purchaser: Bel Air Memorial Association Inc., 809 Rock Spring Road, Bel Air, Md. 21014 Appealed because a special exception pursuant to Section 267-53C(1) of the Harford County Code to allow a Cemetery in an R2 District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Robin Chesney Hopkins Phone Number Call Attorney

Address 811 Rock Spring Road, Bel Air, MD 21014
 Street Number Street City State Zip Code

Contract Purchaser:
 Co-Applicant Ralph Medley Phone Number Call Attorney

Address _____
 Street Number Street City State Zip Code

Contract Purchaser Bel Air Memorial Association, Inc. Phone Number Call Attorney

Address 809 Rock Spring Road, Bel Air, Maryland 21014
 Street Number Street City State Zip Code

Attorney/Representative Kevin J. Mahoney, Esquire Phone Number 410-893-7500

Address 11 S. Main St., PO Box 1776, Bel Air, Maryland 21014
 Street Number Street City State Zip Code

Land Description

Address and Location of Property 811 Rock Spring Road, N/S of Bel Air, Bel Air, Harford Co., MD

Subdivision --

Lot Number --

Acreage/Lot Size 3.93 AC

Election District 03

Zoning R2

Tax Map No. 41

Grid No. 4A

Parcel 559

Water/Sewer: Private

Public X

List ALL structures on property and current use: single family residential dwelling;

Estimated time required to present case: approximately 30 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? N/A

Is this property located within the County's Chesapeake Bay Critical Area? Yes No X

If so, what is the Critical Area Land Use designations:

Is this request the result of a zoning enforcement investigation? Yes No X

Is this request within one (1) mile of any incorporated town limits? Yes No

Request

See Attached

Justification

See Attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

APPLICATION OF ROBIN CHESNEY HOPKINS

REQUEST

Special Exception pursuant to Section 267-53(c)(1) for cemetery expansion to be located in the R-2 District.

JUSTIFICATION

The requested relief meets all the requirements of the Harford County Zoning Code. The subject property is surrounded on three sides by the existing Bel Air Memorial Gardens. The property has frontage on Moores Mill Road. The total parcel area of the existing Memorial Garden and subject property exceed 20 acres. Applicant will obtain the approval of State Department of Health and Mental Hygiene. The requested relief would have no adverse impact on surrounding properties and would provide a valuable community service in direct proximity to an existing identical use.

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION

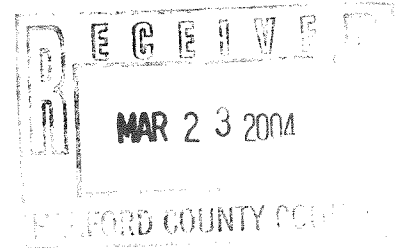


J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

March 22, 2004



STAFF REPORT

BOARD OF APPEALS CASE NO. 5404

APPLICANT: Robin Chesney Hopkins
811 Rock Spring Road
Bel Air, MD 21014

CONTRACT PURCHASER: Bel Air Memorial Gardens, Inc.
809 Rock Spring Road
Bel Air, MD 21014

ATTORNEY: Kevin J. Mahoney, Esquire
11 South Main Street, P.O. Box 1776
Bel Air, MD 21014

LOCATION: 811 Rock Spring Road
North side of Moores Mill Road, east of Rock Spring Road
Tax Map 41 / Grid 4A / Parcel 559
Election District: Third

ACREAGE: 3.93 acres

ZONING: R2 – Urban Residential

DATE FILED: February 19, 2004

HEARING DATE: April 14, 2003

APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

Preserving our values, protecting our future

STAFF REPORT

Board of Appeals Case Number 5404

Robin Chesney Hopkins

Page 2 of 6

CODE REQUIREMENTS:

The Applicant is requesting a Special Exception pursuant to Section 267-53C(1) of the Harford County Code to allow a cemetery in the R2 District.

Section 267-53. Specific standards. The special exceptions enumerated herein, in addition to other conditions as may be imposed by the Board, shall comply with the following requirements:

C. Institutional uses.

- (1) Cemeteries, memorial gardens and crematories. These uses may be granted in any district, except the RO, LI and GI District, provided that:
 - (a) A minimum parcel of twenty acres for cemeteries and memorial gardens shall be established, unless such uses are accessory to a house of worship.
 - (b) Structures used for interment, including mausoleums, vaults or columbariums, shall be set back not less than eighty feet from any road bounding the cemetery and not less than fifty-five feet from any other lot line.
 - (c) All graves or burial plots shall be set back not less than thirty feet from any public road right-of-way and not less than fifty feet from any adjacent lot line.
 - (d) Such use shall be subject to the approval of the State Department of Health and Mental Hygiene.

Enclosed with the report is a copy of Sections 267-51 and 267-52 of the Harford County Code, which relate to Special Exceptions. (Attachment 2)

Section 267-9I entitled "Limitations, Guides, and Standards" will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use - Master Plan:

The subject property is located on the north side of Moores Mill Road, east of Rock Spring Road (MD 924). Enclosed with the report are copies of a location map, and a copy of the Applicant's site plan. (Attachments 3 and 4)

The site of this proposal is located within the Development Envelope. The land use designations in this area include Medium and Low Intensity. The site is directly north of the incorporated

STAFF REPORT

Board of Appeals Case Number 5404

Robin Chesney Hopkins

Page 3 of 6

limits of the Town of Bel Air. The Natural Features Map reflects stream buffer systems. The subject property is designated as Medium Intensity, which is defined by the 1996 Land Use Plan as:

Medium Intensity – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are examples of some of the nonresidential uses associated with this designation.

Enclosed with the report is a copy of the 1996 Land Use Map and Natural Features Map, reflecting the general area of the subject property. (Attachments 5 and 6)

Land Use - Existing:

The predominant land use in this area of the County is residential. Residential uses include single-family dwellings, townhomes and condominium/apartments. There are areas of commercial at the Rock Spring Road/Moores Mill Road and the Rock Spring Road/North Avenue intersections. Enclosed with the report is a copy of the aerial photograph. (Attachment 7)

The subject property is a generally rectangular shaped property that fronts on Moores Mill Road. The access is off Rock Spring Road through the existing cemetery. Improvements consist of a frame two-story home and a barn/accessory building. The property is bordered on three sides by the existing Bel Air Memorial Gardens cemetery. Enclosed with the report are site photographs. (Attachments 8A-D)

Zoning:

The zoning classifications in this area are consistent with the 1996 Master Plan and 1996 Land Use Element Plan. Residential zoning includes R2 and R3 Urban Residential. There is an area of B2 – Community Business to the east and CI – Commercial Industrial to the north. Enclosed with the report is a copy of the zoning map. (Attachment 9)

Zoning History:

A cemetery has been on the site of the Bel Air Memorial Gardens since prior to the initial enactment of the Zoning Code in 1957. The 1957 aerial photograph clearly demonstrates that the site layout, road network and subject property have remained generally unchanged over the years. (See Attachment 10) In 1994, Board of Appeals Case 4456 granted approval for the construction of a mausoleum facility on the cemetery property. Three of the mausoleum buildings have been constructed. All conditions of that approval have been satisfied. Enclosed with this report is a copy of the decision. (Attachment 11)

STAFF REPORT

Board of Appeals Case Number 5404

Robin Chesney Hopkins

Page 4 of 6

SUMMARY:

The Applicant is requesting a Special Exception pursuant to Section 267-53C of the Harford County Code to allow a cemetery in the R2 District.

Section 267-53C of the Harford County Code:

C. Institutional uses.

- (1) Cemeteries, memorial gardens and crematories. These uses may be granted in any district, except the RO, LI and GI District, provided that:*

The subject property is currently zoned R2 – Urban Residential.

- (a) A minimum parcel of twenty acres for cemeteries and memorial gardens shall be established, unless such uses are accessory to a house of worship.*

The area of the existing cemetery exceeds 20 acres. This property will be incorporated into the existing cemetery acreage.

- (b) Structures used for interment, including mausoleums, vaults or columbariums, shall be set back not less than eighty feet from any road bounding the cemetery and not less than fifty-five feet from any other lot line.*

At this time, no mausoleums, vaults or columbariums are proposed on the subject property.

- (c) All graves or burial plots shall be set back not less than thirty feet from any public road right-of-way and not less than fifty feet from any adjacent lot line.*

The subject property is surrounded by the existing cemetery, the required setback from Moores Mill Road can be easily met.

- (d) Such use shall be subject to the approval of the State Department of Health and Mental Hygiene.*

The Harford County Health Department, acting on behalf of the State Department of Health and Mental Hygiene, provided comments in a letter dated March 3, 2004. The Health Department had no objection to the expansion of cemetery onto this property provided certain issues are addressed. Verification of the Health Department's approval will be required by the Department of Planning and Zoning prior to any permit approvals. (Attachment 12)

STAFF REPORT

Board of Appeals Case Number 5404

Robin Chesney Hopkins

Page 5 of 6

The following is a review of 267-9I of the Harford County Code.

Section 267-9I:

- (1) *The number of persons living or working in the immediate area.*

The subject property is located north of Bel Air and south of the Bel Air bypass. This area of the County contains a mix of residential uses with some small commercial areas. South of the parcel is the Town of Bel Air which transitions from residential to small business to commercial uses.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic; and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The existing cemetery is located at the intersection of Moores Mill Road and Rock Spring Road. The proposed expansion area will utilize the existing internal road network on-site. The traffic generated by the proposed cemetery will not have an adverse impact on roads in this area.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The proposed use is permitted in the R2 – Urban Residential District as a special exception with Board approval. The Code established guidelines to be used to approve the proposed use, and as discussed in this report, the Applicant can meet or exceed the standards.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The proposed use should not have an adverse impact regarding the above issues.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police would provide police protection. The Local Volunteer Fire Company would provide fire protection. Water and sewer will be provided by public facilities. The Applicant will be required to contract with a private hauler to dispose of trash.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

STAFF REPORT

Board of Appeals Case Number 5404

Robin Chesney Hopkins

Page 6 of 6

The proposal is recognized by the Harford County Code as a use that is compatible, provided specific requirements are met.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

These issues are not applicable to the request.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposed use is consistent with the County's Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

These issues are not applicable to the request.

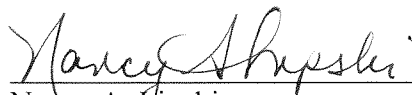
- (10) *The preservation of cultural and historic landmarks.*

This issue is not applicable to the request.

RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends approval of the request, subject to the following conditions:

1. The Applicant shall submit a site plan to be reviewed and approved through the Development Advisory Committee.
2. No additional access from the cemetery to Moores Mill Road will be permitted.



Nancy A. Lipski
Chief, Site Plan & Permits Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

NAL/ASM/ka